

Message

From: Parker, Robert [Parker.Robert@epa.gov]
Sent: 3/19/2015 2:20:18 PM
To: Peterson, Cynthia [Peterson.Cynthia@epa.gov]; Cirian, Mike [Cirian.Mike@epa.gov]
Subject: FW: HHN quick question about state Superfund sites

FYI - Communication between MDEQ and Rick Hanners, Editor of the local weekly paper, Hungry Horse News.

-----Original Message-----

From: Martin, Denise [mailto:demartin@mt.gov]
Sent: Thursday, March 19, 2015 8:10 AM
To: Parker, Robert
Subject: FW: HHN quick question about state Superfund sites

-----Original Message-----

From: Flatow, Jeni
Sent: Thursday, March 19, 2015 7:54 AM
To: Chambers, Jenny; Kirley, Bill; Brooks, Cindy; Martin, Denise; Trombetta, Michael
Subject: FW: HHN quick question about state Superfund sites

FYI.

Jeni Flatow
DEQ Remediation Division
(W) 406-444-6469
(C) 406-437-1627

-----Original Message-----

From: Rick Hanners [mailto:editor@hungryhorsenews.com]
Sent: Wednesday, March 18, 2015 5:06 PM
To: Flatow, Jeni
Subject: Re: HHN quick question about state Superfund sites

Wow, thanks a lot for the help. Pass this on to Jenny or anyone else with an interest in CFAC.

I asked Rob Parker, at EPA Region 8, what would happen if Glencore cleaned up part of the CFAC site (the plant buildings, etc.) and then sold the site to someone without doing the landfills. He sent me links to EPA sites that talk about how liability in those situations are handled.

Last week, I spoke to a man who manages cleanup projects for a big West Coast company that has done WHPPS nuclear reactors and three Pacific Northwest aluminum smelters. He had just finished doing a refinery in Wyoming (no publicity on that, he said) and was in Georgia looking at a coal-fired generating plant. He says he has about 400 coal plant lined up for the next decade or so. These guys are big operators.

The man confirmed he had looked at the CFAC site in late February. Other people told me his company offered Glencore \$9 million to clean up the CFAC site, starting this May and ending in about two years, but I don't think that includes the landfill sites. He told me, if a magnet sticks, he wants it. He said too many people focus on the nonferrous metals, but I worked there as an electrician for four years, and there's miles and miles of really thick aluminum bus bars in the basement.

Sen. Jon Tester will be here in C-Falls on Friday. I've sent him some of this information already.

Again, thanks for the help.

Richard Hanners
Editor
Hungry Horse News
editor@hungryhorsenews.com
phone 892-2151
fax 892-5600

On Mar 18, 2015, at 4:36 PM, Flatow, Jeni wrote:

> Hi Rick,

>
> I apologize for the delay in our response, but we felt the question delved into a grey area and we wanted to provide a bit more detail.
>
> Unfortunately this question is not as straightforward as it may seem. If we interpret "completely cleaned up" as "delisted" or "no level of contamination", then with the level of contamination at large industrial sites and large mines that were in operation prior to environmental regulations, the answer is no, cleanup is ongoing. However, at most of these sites, surface contamination has been resolved and this has allowed moving towards redevelopment. It is typically because of lingering groundwater issues that cause a Site to remain active and not "fully cleaned/delisted." Remember, it took a long time for these sites to get this way, and it can take a long time to clean them up.
>
> Sites with contamination such as at CFAC need to have an authority, whether State or Federal, that assures cleanup is protective of human health and the environment. To allow CFAC to simply do what it wants with the Site without a process for ensuring that the cleanup is adequately protective, meets applicable legal requirements, or addresses all the threats the site poses to groundwater, the Flathead River, or other receptors, would leave citizens and the environment without the protection that is normally required under the law.
>
> Whether the cleanup is done under the authority of the State of Montana or the EPA, the process takes time. Determining where the contamination has come to be located and coming to agreements with the responsible parties to address the contamination is a very complex process that takes substantial time and resources. The State has already tried to enter into an Administrative Order on Consent (AOC), but Glencore and CFAC would not agree with the State on the process. The point was to jump-start the process, but it would still take time. The NPL listing will provide resources, through the federal Superfund, that allow the process to move forward even in the absence of an agreement with the responsible parties. How fast it moves also depends on the cooperation of the responsible parties.
>
> It is important to note that reuse of a site undergoing Superfund remediation is an important component of determining the overall cleanup strategy. At the national scale, the US EPA has established numerous grant opportunities for remediated sites to assist communities to develop re-use strategies and create onsite infrastructure to support the re-use of brownfields. Most Americans live within three miles of a Superfund site and thousands of acres of land have been reclaimed and are being reused across the nation, i.e. back on the tax rolls. Having a voluntary, non-regulated cleanup performed may actually hinder re-use. During any future site transfer, part of due diligence would uncover the history and the recommendations to list the site. Most future buyers will not want to take on that potential liability. Going through CERCLA or CECRA (Comprehensive Environmental Cleanup and Recovery Act, AKA State Superfund), will provide assurances to future owners and define, if any, liability that would transfer.
>
> Hope this helps. Let Jenny Chambers or I know if you have any follow-up questions.
>
> Jeni Flatow
> DEQ Remediation Division PIO
> 444-6469
>
>
> -----Original Message-----
> From: Rick Hanners [mailto:editor@hungryhorsenews.com]
> Sent: Tuesday, March 17, 2015 3:00 PM
> To: Chambers, Jenny
> Subject: HHN quick question about state Superfund sites
>
> CFAC, their spokesman Haley Beaudry, and Rep. Ryan Zinke all note that none of the 18 Superfund sites in Montana have ever been removed from the National Priority List.
>
> Has any large industrial site or mine in Montana ever been completely cleaned up by an owner? Without being put on the NPL?
>
> Thanks.
>
> Richard Hanners
> Editor
> Hungry Horse News
> editor@hungryhorsenews.com
> phone 892-2151
> fax 892-5600
>
>
>
>
>
>